



**NOTICE OF APPEAL FROM THE EXAMINER**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants:

Raymond J. Dattwyler, Gerald Steinost, Daniel Dykhuizen, Benjamin J. Luft and Maria J.C. Gomes-Solecki

Serial No.: 09/596,746 Group: 1645

Filed: June 19, 2000 Examiner: Rodney P. Swartz

Confirmation No.: 3998

For: GROUPS OF *BORRELLIA BURGDORFERI* AND *BORRELIA AFZELII*  
THAT CAUSE LYME DISEASE IN HUMANS

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

*8/10/04* *Christina M Sweeney*  
Date Signature  
*Christina M Sweeney*  
Typed or printed name of person signing certificate

AUG 16 2004

TECH CENTER 1600/2906

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 10, 2004 of the Examiner finally rejecting claims 1-13, 39 and 41-43. The item(s) checked below are appropriate:

1.  Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated [ ] for [ ] month(s) from [ ] to [ ].
2.  A one month extension of time to respond to the Office Action Made Final dated February 10, 2004 was filed on June 10, 2004 with payment of a \$110.00 fee.  
 Applicant hereby petitions for an additional two month extension of time to respond to the Office Action Made Final.
3.  A Request for Oral Hearing before the Board of Patent Appeals and Interferences is being filed concurrently herewith.

08/12/2004 SSITHIB1 00000103 09596746 330.00 DP  
01 FC:1401  
08/12/2004 SSITHIB1 00000103 09596746 840.00 DP  
02 FC:1253

## 4. Fees are submitted for the following:

|   |                      |
|---|----------------------|
| <input type="checkbox"/> Extension of Time for [ ] month(s)       | \$ _____             |
| <input checked="" type="checkbox"/> Additional Extension of Time: |                      |
| Fee for Extension (3 mo.)   | \$ <u>950</u>        |
| Less fee paid (1 mo.)   | - \$ <u>110</u>      |
| Balance of fee due  | \$ <u>840</u>        |
| <input checked="" type="checkbox"/> Notice of Appeal              | \$ <u>330.00</u>     |
| <input type="checkbox"/> Other _____                              | \$ _____             |
|   | TOTAL \$ <u>1170</u> |

## 5. The method of payment for the total fees is as follows:

A check in the amount of \$1170 is enclosed.

Please charge Deposit Account No. 08-0380 in the amount of \$[ ].

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH, REYNOLDS, P.C.

By Richard W. Wagner  
Richard W. Wagner  
Registration No.: 34,480  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: August 10, 2004